

Indiana Pro Bono Commission 230 East Ohio Street, 4th Floor Indianapolis, IN 46204

Indiana Bar Foundation 230 East Ohio Street, Suite 110 Indianapolis, IN 46204

DISTRICT TEN

COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN



COMBINED 2002 DISTRICT REPORT, 2004 PRO BONO GRANT APPLICATION, AND 2004 PLAN

Pro Bono District: District Ten

Applicant: Judge Michael A. Robbins

Mailing Address: Lawrence County Superior Court I, Court House Annex, 1410 "I"

Street

City: Bedford, IN Zip: 47421

E-mail address: mrobbins@lawrencecountyin.com Web site address: n/a

Judicial Appointee: Judge Michael Robbins

Plan Administrator:

Names of Counties served: Greene, Lawrence, Monroe and Owen

Amount of grant received for 2002: \$25,000

* Amount of grant unused from 2002 and previous years: \$5,850.84

* Amount of grant unused but committed to expenses in 2003: \$26,570.84

Amount of grant received for 2003: \$20,720

Amount requested for 2004: \$71,500

* Please submit request for approval to the Indiana Bar Foundation.

PRO BONO DISTRICT NUMBER

LETTER OF REPRESENTATION

The following representations, made to the best of our knowledge and belief, are being provided to the Indiana Pro Bono Commission and Indiana Bar Foundation in anticipation of their review and evaluation of our funding request and our commitment and value to our Pro Bono District.

Operation under Rule 6.5

In submitting this application for funding, this district is representing itself as having a Pro Bono Plan, which is pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct. The plan enables attorneys in our district to discharge their professional responsibilities to provide civil legal pro bono services; improves the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations in our district; and ensures access to high quality and timely pro bono civil legal services for persons of limited means by (1) fostering the development of new civil legal pro bono programs where needed and (2) supporting and improving the quality of existing civil legal pro bono programs. The plan also fosters the growth of a public service culture within the our district which values civil legal pro bono publico service and promotes the ongoing development of financial and other resources for civil legal pro bono organizations.

We have adhered to Rule 6.5 (f) by having a district pro bono committee composed of:

- A. the judge designated by the Supreme Court to preside;
- B. to the extent feasible, one or more representatives from each voluntary bar association in the district, one representative from each pro bono and legal assistance provider in the district, and one representative from each law school in the district; and
- C. at least two (2) community-at-large representatives, one of whom shall be a present or past recipient of pro bono publico legal services.

We have determined the governance of our district pro bono committee as well as the terms of service of our members. Replacement and succession members are appointed by the judge designated by the Supreme Court.

Pursuant to Rule 6.5 (g) to ensure an active and effective district pro bono program, we:

- A. prepare in written form, on an annual basis, a district pro bono plan, including any county sub-plans if appropriate, after evaluating the needs of the district and making a determination of presently available pro bono services;
- B. select and employ a plan administrator to provide the necessary coordination and administrative support for the district pro bono committee;
- C. implement the district pro bono plan and monitor its results;
- D. submit an annual report to the Commission; and
- E. forward to the Pro Bono Commission for review and consideration any requests which were presented as formal proposals to be included in the district plan but

were rejected by the district committee, provided the group asks for review by the Pro Bono Commission.

Commitment to Pro Bono Program Excellence

We also understand that ultimately the measure of success for a civil legal services program, whether a staffed or volunteer attorney program, is the outcomes achieved for clients, and the relationship of these outcomes to clients' most critical legal needs. We agree to strive for the following hallmarks which are characteristics enhancing a pro bono program's ability to succeed in providing effective services addressing clients' critical needs.

- 1. Participation by the local bar associations. Bar association meetings have not addressed the Pro Bono Project in 2003.
- **2. Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available. The staff and volunteers are respectful of clients and sensitive to their needs.
- **3. Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal services and other programs serving low-income people to assist in this process.
- 4. Direct representation component. The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
- 5. Coordination with state and local civil legal service programs and bar associations. The programs work cooperatively with the local funded civil legal services programs. As to "local bar associations", it is the committee's opinion that they will not play a significant part in the delivery of pro bono services in District Ten.
- **6. Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and the Committee is currently working to establish procedures related to accountability.
- **7. Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff.
- **8. Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.
- **9. Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.

- **Understanding of ethical considerations.** The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided.
- ABA Standards. The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

No events, shortages or irregularities have occurred and no facts have been discovered which would make the financial statements provided to you materially inaccurate or misleading. To our knowledge there is nothing reflecting unfavorably upon the honesty or integrity of members of our organization. We have accounted for all known or anticipated operating revenue and expense in preparing our funding request.

We agree to provide human-interest stories promoting Pro Bono activities in a timely manner upon request of the Indiana Bar Foundation or Indiana Pro Bono Commission. We further agree to make ourselves available to meet with the Pro Bono Commission and/or the Indiana Bar Foundation to answer any questions or provide any material requested which serves as verification/source documentation for the submitted information.

explanation of items stricken from the above Letter of Representation:							
District Ten has made changes to the text o	f items 1, 5 and 6 that are self-explanatory.						
It is understood that this Letter does not documents required by the Indiana Bar F sion. Signatures:	•						
Judicial Appointee Signature	 Date						
Plan Administrator Signature	 Date						

2002 REPORT AND 2004 PLAN SUMMARIES

1. In 125 words or less, please write a brief summary of your District's 2002 progress suitable for use in press releases.

The Pro Bono spirit remains strong in District Ten. Together, District Ten's legal service providers enlisted a roster of over one hundred volunteer attorneys, and screened over one thousand cases in 2002.

In addition, District Ten has formed an innovative partnership with Indiana University School of Law – Bloomington, in which law students will provide screening / intake services to assist in identifying cases suitable for pro bono referrals. In addition, District Ten has secured the commitments of its judges to refer cases identified by the new intake process to attorneys that will take them on a pro bono basis.

District Ten has also completed a comprehensive survey of its attorneys and compiled the results into a database that will survey as the cornerstone of future contact / tracking efforts for assignment and recognition.

2. In 125 words or less, please write a brief summary of the 2004 grant request suitable for use in press releases related to any grant award. Suggested areas to cover are: <u>needs</u> to be addressed, methods, target audience, and anticipated outcomes.

District Ten is committed to increasing the number of its attorneys taking cases on a pro bono basis. To do so it has enlisted the support of Indiana University School of Law, and of judges from each of the four counties that comprise District Ten. The District Ten Pro Bono Clinic will represent an unprecedented integration of the resources of Legal Service Providers, law students, and judges, working together to enlist District Ten attorneys in pro bono cases.

The Pro Bono Clinic, housed out of IU-Law Bloomington, will entail law students performing intake / screening to identify cases eligible for pro bono referrals. Once these cases are identified, a Judge from the appropriate county will refer the case to an attorney with the relevant areas of expertise. District Ten believes this process will dramatically increase pro bono participation throughout the District.

2002 REPORT

In the next two pages, describe your District's 2002 achievements and activities in relation to the plan approved for 2002 funding. It is permissible to include a relevant number of appendices to further describe 2002 achievements. Please number and reference the appendices.

2002 was a year of transition for District Ten, marked by the appointment of Judge Michael Robbins of the Lawrence County Superior Court to serve as Chairman of the District Ten Committee, and by the departure of Cynthia Neinaber, the Plan Administrator. Nonetheless, the District continued to make progress, and 2002 accomplishments include the completion of a comprehensive survey of the attorneys in the District, the formation of an innovative partnership with Indiana University Law School-Bloomington, and continued progress in giving legal aid to the underprivileged by the various legal service providers in District Ten, and by the Pro Bono Project itself.

Pro Bono Services Provided

The major legal service organizations in District Ten are Indiana Legal Services (ILS), the Child Advocacy Clinic (CAC), the Community Legal Clinic (CLC), the Protective Order Project (POP), the Middle Way House, and the Pro Bono Project. In 2002 these organizations continued to work to service low-income and otherwise underprivileged groups.

ILS performed intake on over 900 cases from the four counties that comprise District Ten and accepted over 500 of them. Through ILS, sixty-eight attorneys handled cases on a pro bono basis. POP utilized a roster of thirty four attorneys that volunteered to take on cases involving domestic abuse. The CAC and CLC clinics, while not involving volunteer attorneys, combined to handle 46 family law cases through staff attorneys and law students. The Pro Bono Project contributed nine additional attorneys, who handled upwards of forty cases in 2002. The Pro Bono Project hopes to dramatically increase its own level of participation through a recently completed partnership with Indiana University School of Law – Bloomington.

The District Ten Survey

In 2002 District Ten surveyed over 200 attorneys in Greene, Lawrence, Monroe and Owen Counties, with the goal understanding what pro bono work was currently being done, and the most effective ways to increase pro bono participation among attorneys. Roughly one third of the attorneys returned the survey. Key findings included:

- 90% of responding attorneys said that they performed some form of probono basis in 2001.
- 59% of responding attorneys said they would welcome law student assistance on pro bono cases

2002 REPORT, CONTINUED

 44% of responding attorneys said they would be more apt to do pro bono work if there was increased judicial involvement / recognition

These findings serve as the foundation for District 10's partnership with IU-Law to provide pro-bono referrals through the judicial branch, with law student assistance (see 2004 plan below). In addition, the attorney responses have been compiled, and now constitute a database that will serve to enhance tracking in the future, as well as recognition and continuing legal education programs.

The Partnership with IU-Law

The 2002 survey suggested that in order to increase pro bono participation, District Ten needed to provide attorneys with law student assistance on pro bono cases, and increase judicial involvement in the referral / recognition process. District Ten has laid the groundwork for realizing these goals through its partnership with IU-Law Bloomington.

IU Law has committed to provide office space for the Pro Bono Clinic for the remainder of 2003. In addition, student organizations such as the Public Interest Law Foundation have committed to provide student volunteers to staff the screening / intake system that will be a central function of the Clinic. Finally, Dean Lauren Robel has expressed her full support for the partnership, providing added credibility to the venture.

In addition, in 2002, District Ten secured the commitments of several District Ten judges to participate in the referral process. Judges that have agreed to participate include Judge Michael Robbins of Lawrence County Superior Court, Judge Frank Nardi of Owen Circuit Court, Judge David Johnson of Greene County, and Judge Elizabeth Mann of Monroe Circuit Court.

With this strong commitment from IU Law and from its Judges, District Ten is poised to implement an innovative and effective new clinic in 2004. District Ten also hopes that by exposing law students to pro bono work early in their careers, it will instill the value of community service in a generation of future Indiana attorneys.¹

Conclusion

The District Ten Pro Bono project underwent structural changes in 2002, including the departure of its plan administrator and the appointment of a new chairman to the committee. However, with its reorganization complete, a partnership in place with Indiana University and with a commitment from its own judicial branch, District Ten anticipates a productive year of providing services to the underprivileged in Greene, Lawrence, Monroe and Owen counties.

¹ See Robert V. Stover & Howard S. Erlanger, *Making It and Breaking It: The Fate of Public Interest Commitment During Law School* (1989) (Demonstrating the at law students exposed to pro bono work in law school are more likely to do pro bono work in practice).

2002 VOLUNI	TEER LAWYE	R ACTIVIT	<u>'Y</u>	
Legal Service Provider Agency or Organization (Include Bar Associa- tions)	Number of Participating Volunteer Lawyers	Number of Volunteer Lawyer Hours Re- ported on Cases Closed in 2002	Number of Open Volunteer Lawyer Cases	Number of Low-income Citizens Re- ceiving Lim- ited Legal In- formation from Volun- teer Lawyers*
Indiana Legal Services	68	Unknown	48	Unknown
Child Advocacy Clinic ²	0	0	0	0
Protective Order Project	34	170	Unknown	Unknown
Community Legal Clinic ³	0	0	0	0
District 10 Pro Bono Project ⁴	9	397	0	Unknown

^{*}This category includes Volunteer Lawyer public outreach to low income citizens for a one-time, limited contact such as call-in or walk-in information services, pro-se clinics and panel presentations. Please put in parentheses the number of citizens whose income was not determined.

Definitions:

Case: A legal matter referred to a pro bono attorney volunteer

<u>Participating Volunteer Lawyer: An attorney who has rendered pro bono service to at least one low-income client during the year or accepted a pro bono referral from the identified program.</u>

² The Child Advocacy Clinic handled 26 cases in 2002, however the cases are handled by staff attorneys, and law students appointed to serve as Guardian Ad Litems

³ The Community Legal Clinic screens cases, and those accepted are handled by in-house attorneys or staff. In 2002 the CLC handled 21 cases, all family law related.

⁴ Nine attorneys responded to a request by District Ten for information related to pro bono services rendered in 2002.

2002 VOLUNTEER LAWYER ACTIVITY, CONTINUED *

Please list any volunteer lawyer activity category utilized by the organization receiving Pro Bono funding which was not included in the previous table. Include the definition and 2002 statistics for the category.

None

In order to make reporting more consistent and concise in the future, please list the various categories used by legal service providers in your district for recording volunteer lawyer activity. Define each category. (If more than one agency or organization has the same category and definition, please list it once, indicating the number of organizations using the category.)

Protective Order Project (POP)

POP does not track lawyer activity after the case if referred to the volunteer attorney. All of its cases are related to domestic abuse.

Indiana Legal Services (ILS)

ILS tracks cases "accepted", where that means assigned to staff attorneys. Cases referred to volunteer attorneys for pro bono work are not tracked further. ILS breaks down the cases it does handle into thirty separate categories, the largest are: Custody (17.5%), Federal Subsidized Housing Rights (12%), Spouse Abuse (9%), Medicaid (9%), Collection / Repossession (7%), Landlord/Tenant – non public housing (6%), Support (6%), Divorce (5%), Homeownership / Real Property (2.5%)

Child Advocacy Clinic (CAC)

CAC does not utilize volunteer lawyers. Those cases taken on by staff and law students are child-related family law cases. The largest categories are Dissolutions and Custody Modifications. Additionally, CAC tracks key factors in each case such as Domestic Violence, Substance Abuse, Incarceration and child Neglect.

Community Legal Clinic (CLC)

CLC does not utilize volunteer lawyers, but rather staff attorneys and law students. The cases are not categorized on a formal basis. However, all cases takes are related to family law. During the intake process, cases are assigned a type, but are not tracked formally by type.

Pro Bono Project

The Pro Bono Project has not handled with a sufficient volume of cases to require establishing formal categories, and would be amenable to adopting categories standardized at a statewide level.

2002 VOLUNTEER LAWYER ACTIVITY BY TYPE OF CASE

Number Of Lawyers Participating In Pro Se Clinics, Call-In Services And Other Limited Informational Activities in 2002: Unknown.

Type Of Case (Primary Issue)	Total Of All District Legal Service Pr vider Active Cases Assigned To An Accepted By A Volunteer Lawyer.		
Consumer/Finance			
Education			
Employment	5		
Family	93		
Guardianship	2		
Juvenile			
Health			
Housing	10		
Immigration/Naturalization			
Income Maintenance	6		
Individual Rights	2		
Mediation			
Wills & Estates	5		
Other (specify)	8 (primarily corporate work for non- profits / small businesses)		
Total Number of Cases	131		

2004 PLAN AND REQUEST

In the following two pages, describe items or activities planned for 2004 for which funding is requested.

If a special event, such as a pro se clinic, volunteer banquet, or Continuing Legal Education seminar is planned, please include the total projected cost of the event in parenthesis at the end of the descriptive paragraph.

In the second half of 2003, District Ten will begin operation of the Pro Bono Clinic, which will be temporarily housed at IU-Law. However, by 2004, District Ten anticipates that the administrative needs of its Pro Bono Clinic will outstrip the space and resources available at IU-Law. Funds requested for 2004, therefore, reflect the hiring of a part-time plan administrator and the establishment of a separate facility to house the Pro Bono Clinic.

The Pro Bono Clinic - Plan Overview

District Ten plans to implement a clinic in the second half of 2003, housed at Indiana University School of Law–Bloomington. The clinic will consist of a screening / intake process, in which IU Law students will identify cases that are appropriate for referral to pro bono volunteer attorneys. Cases identified as eligible will then be referred to a judge in the appropriate county, along with the names and contact information of several attorneys in that county that possess some expertise in the relevant area. The Judge will then refer the case, and assign a law student to track the results of the case, and if necessary to assist with research for the case. The law student will track the attorney's hours in the District Ten database.

Office Space and Staff

For the second half of 2003, the office space for the Pro Bono Clinic will be provided by IU-Law Bloomington. In addition, the Clinic will be staffed with law student volunteers, culled from the Law School's Public Interest Law Foundation, and other student groups. Both Dean Lauren Robel, and Janet Rumple, the president of PILF have expressed their support for the Clinic.

The Screening Process

The Pro Bono clinic will rely heavily on the expertise housed at Indiana Legal Services in screening cases for pro bono eligibility. The District Ten training manual and screening process will closely imitate those in place at ILS. The screening process will be overseen by a faculty advisor (as-yet-unnamed).

2004 PLAN AND REQUEST, CONTINUED

The Referral Process

The results of the District Ten survey indicated that one factor that would significantly increase pro bono activity in District Ten would be judicial involvement in the referral / recognition process. As a result, many District Ten judges have committed to participate in case referrals. These Judges include Judge Michael Robbins of Lawrence County Superior Court I, Judge Frank Nardi of Owen Circuit Court, Judge David Johnson of Greene County, and Judge Elizabeth Mann of Monroe Circuit Court. District Ten believes that the active participation of its judges will galvanize the Pro Bono Project in 2004 and the years beyond.

Additional Expenses

In addition to the establishment of the clinic, District Ten will incur significant other expenses related to its plan in 2004. First, District Ten will compensate attorneys in full for their expense accrued in handling pro bono cases. This will include expenses such as filings fees, expert witness fees, travel etc. Second, District Ten will provide malpractice insurance to attorneys that take cases from the Pro Bono Clinic on a pro bono basis. Third, District Ten will give awards to several attorneys that demonstrate an outstanding commitment to pro bono work. The specific amounts required for these additional aspects of the plan are set forth below in the 2004 Budget.

Goals for 2004

In 2004, District Ten would like to establish the Pro Bono Clinic as a viable legal services provider and by doing so to increase both the number of attorneys participating in pro bono work and the level of that participation. Specifically, District Ten would like to have procedures in place at the Pro Bono Clinic to facilitate the referral, assistance, and tracking of pro bono cases, such that the Clinic can build its base of knowledge / expertise from year to year.

2004 PRO BONO DISTRICT ACTIVITIES

Please check the activities, which <u>your district organization</u> will provide during 2004 to support the probono efforts of the attorneys in your district. If the activity is provided by another organization in your district, please put a plus sign (+) in the blank following the activity.

X	Providing intake and screening of prospective clients+
_X	Providing referral of prospective clients _ +
_X	Matching cases with individual attorney experience
	Establishing and/or maintaining specialized panels of volunteer lawyers based on area of practice emphasis
_X	Providing resources for litigation and out-of-pocket expenses
_X	Providing legal education and training for pro bono attorneys in areas of practice emphasis useful in providing pro bono civil legal service
	Providing the availability of consultation with attorneys whose practice concentration is in an area of law about which a volunteer lawyer is providing pro bono civil legal service (mentoring)
_X	Providing malpractice insurance for volunteer pro bono lawyers
_X	_Establishing and/or maintaining procedures to ensure adequate monitoring and follow-up
	Establishing and/or maintaining procedures to measure client satisfaction
_X	Recognizing pro bono civil legal service by lawyers
_X	Providing community outreach, legal education services or programs
	Other
	Other

2004 PRO BONO DISTRICT ACTIVITIES, continued

1. List the <u>joint</u> efforts, activities or programs in which your district organization will be involved. Please include the name of the other organization(s), a brief description of the activity and a description of the resources provided to the effort by all participating organizations.

The Pro Bono Clinic will be a joint effort, involving IU Law School, Indiana Legal Services, and the judicial branch of District Ten. Respective contributions will be:

- Indiana University IU Law will contribute office space and a computer for the remainder of 2003. In addition, IU Law will provide student volunteers to do screening / intake.
- Indiana Legal Services Indiana Legal Services will provide materials and expertise related to performing screening / intake.
- District Ten Judges The Judges of District will perform the actual case referral.
 District Ten expects this to increase the rate of referral-acceptance among its attorneys

- 2. Number of cases in your district awaiting assignment to a Volunteer Pro Bono Attorney as of the date this report is prepared: Unknown.
- 3. Percentage estimate of the types of cases awaiting assignment: Unknown.
- 4. List the efforts that will be made to recruit new pro bono volunteer lawyers:

The Pro Bono Clinic will work with the judges of District Ten to recruit new volunteer attorneys by providing attorneys with cases that fit their area of expertise, and by providing research assistance for cases that fall outside an attorneys practice area. In addition, District Ten believes that its plan to involve judges in the referral process will increase attorney participation.

2004 DISTRICT BUDGET FORM

			1 DODGE		1
COST CATEGORY	IOLTA\$	OTHER \$	DONATED	TOTAL	2003 Revised & Estimated
A. Personnel Costs					
1. Plan Administrator	\$25,000				
2. Lawyers					
3. Paralegals					
4. Others					
5. Salary Subtotal	\$25,000				
6. Employee Benefits					
7. Total Personnel Costs	\$25,000				
B. Non Personnel					
1. Occupancy	\$9,000				
2. Equipment Rental	\$3,500				
3. Office Supplies	\$2,000				
4. Telephone	\$3,000				
5. Travel	\$2,500				
6. Training	\$6,000 ⁵				
7. Library					
8. Malpractice Insurance	\$5,000				
9. Dues and Fees					
10. Audit					
11. Contingent Reserve Fund for Operating Expenses					
12. Marketing and Promotion	\$5,000				
13. Litigation (Includes Expert Fees)	\$5,000 ⁶				
14. Property Acquisition					
15. Purchase Payments					
16. Contract Services to Clients					
17. Contract Services to Program – Accounting Fees	\$2,500				
18. Other - Postage	\$3,000				
19. Total Non Personnel Costs	\$46,500				

⁵ District Ten anticipates \$6,000 in costs to train law students on screening / intake processes ⁶ District Ten intends to fully compensate its attorneys for expenses such as travel, filing fees, expert witness fees etc

C. Total Expenditures	\$71,500		
Total Program Disbursements			
2. Litigation Fund *			

^{*}Reserves in this category are not required to be resubmitted to the IBF if not spent during the allocation calendar year.,

ANNUAL TIMETABLE FOR SUBMISSION OF FORMS AND CHECKS:

January 1: Checks distributed

July 1: Annual report, plan and grant application due to IPBC

November: Notification of awards

December 1: IBF grant agreement due and revised budget due (as needed)